

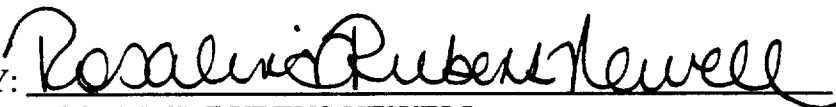
01- *P* -1411

Entered - 07/17/01 - sb  
CL01L0450 - DIANNE C. MITCHELL

CLAIM OF: **DAVID BENEFIELD AND PUMPCO INC.,**  
through its insurance carrier,  
**Liberty Mutual**  
**P. O. Box 2792**  
**Norcross, Georgia 30093-2792**

For damages alleged to have been sustained as a result of personal injuries due to an uncovered "trench box" on May 9, 2001 at "Edina" and Peachtree Creek.

THIS ADVERSED REPORT IS APPROVED

BY:   
**ROSALIND RUBENS NEWELL**  
**DEPUTY CITY ATTORNEY**

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 01L0450

Date: August 29, 2001

Claimant /Victim DAVID BENEFIELD AND PUMPCO INC.

BY: (Ins. Co.) Liberty Mutual

Address: P. O. Box 2792, Norcross, GA 30093-2792

Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated

Date of Notice: 07/16/01 Method: Written, proper X Improper       

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 05/09/01 Place: "Edina" and Peachtree Creek

Department        Division:       

Employee involved        Disciplinary Action:       

**NATURE OF CLAIM:** The claimant alleges that its insured's employee was injured on an uncovered "trench box". The investigation determined that there is no street within the Atlanta City limits named "Edina". Furthermore, the claimant has failed to provide requested information necessary to substantiate its claim.

**INVESTIGATION:**

Statements: City employee        Claimant        Others        Written        Oral       

Pictures        Diagrams        Reports: Police        Dept Report        Other       

Traffic citations issued: City Driver        Claimant Driver       

Citation disposition: City Driver        Claimant Driver       

**BASIS OF RECOMMENDATION:**

Function: Governmental        Ministerial       

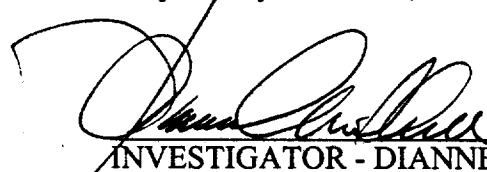
Improper Notice        More than Six Months        Other        Damages reasonable       

City not involved        Offer rejected        Compromise settlement       

Repair/replacement by Ins. Co.        Repair/replacement by City Forces       

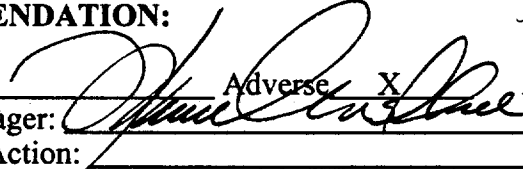
Claimant Negligent        City Negligent        Joint        Claim Abandoned X

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

**RECOMMENDATION:**

Pay \$        Adverse X Account charged: 1A01        2J01        2H01       

Claims Manager:  Concur/date 08-29-01

Committee Action:        Council Action



PO Box 2792  
Norcross, GA 30093-2792  
770-564-0400  
Fax 678-380-0151  
July 12, 2001

*MT Mitchell*  
*07/10/01*  
*DM*

City of Atlanta Municipal Clerk  
Attn: Law Department  
55 Trinity Ave. S. W.  
Atlanta GA 30335-0332

ENTERED - 7-17-01 - SB  
01L0450 - DIANNE MITCHELL

OUR EMPLOYEE:	David Benefield
OUR INSURED:	Pumpco Inc.
OUR FILE NO.:	WC:544-340712
DATE OF LOSS:	May 09, 2001

Dear Law Department

Under a Workers' Compensation policy carried with us by the above named insured. Liberty Mutual Insurance is required to pay benefits as a result of this loss. Under the terms of our policy contract, and Section 34-9-11 of the Georgia Workers' Compensation Statute, we are subrogated to the extent of our payments for compensation and medical benefits and to any legal rights our company may have as a result of this loss.

This letter is to notify you we are asserting our right to recover benefits paid as a result of our employee slipped and fell 15 feet into a uncovered trench box at Edina & Peachtree Creek, on the above mention date.

Please forward a copy of this notice to your insurance carrier and have them contact me.

Thank you for your time and attention to this matter.

Sincerely

*Rosetta Lee Leggett*  
Central Recovery Unit - W/C  
Extension 398

01-L-1411